



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/722,627
Filing Date: November 26, 2003
Applicant: Aaron Smith
Group Art Unit: 3733
Examiner: James J. Swiger
Title: MINIMALLY INVASIVE CUP IMPACTOR
Attorney Docket: 5490-000354

Mail Stop After Final
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

DECLARATION OF AARON SMITH UNDER 37 C.F.R. § 1.131

Sir:

1. In compliance with 37 C.F.R. § 1.131, the purpose of this Declaration is to establish conception and reduction to practice of the claimed invention of the above-referenced patent application ("the Subject Application") in the United States, at a date prior to October 21, 2003, the effective date under 35 U.S.C. § 102(e) of U.S. Patent No. 7,037,310 ("the '310 Patent"). The '310 Patent was cited by the Examiner during prosecution of the Subject Application in an Office Action mailed on April 20, 2007.

2. I, the undersigned, do hereby depose and say:

3. That I am the named inventor for the claimed subject matter of the Subject Application.

4. That prior to the October 21, 2003 effective date of the '310 Patent, I conceived and reduced to practice, in the United States, the minimally invasive cup impactor and other features disclosed and claimed in the Subject Application.

5. That the photograph attached to this Declaration at Exhibit A, which I attest was taken prior to the October 21, 2003 effective date of the '310 Patent, evidences, upon information and belief, conception and reduction to practice of the claimed invention of the Subject Application prior to the above-noted effective date of the '310 Patent.

6. The photograph illustrates an embodiment of the claimed instrument/apparatus, which includes the cup impactor at Figures 3 and 4 of the Subject Application.

7. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the Subject Application or any patent which issues thereon.



Aaron Smith

Dated: 7/17/07



Exhibit A
To 07/17/07 Declaration of Aaron Smith Under 37 C.F.R. § 1.131

